REMARKS

Claims 19-38 are pending in this application. Claims 19-25 have been withdrawn. Thus, Claims 26-38 are subject to continued examination.

Election/Restriction

The Examiner has required restriction of the following inventions under 35 USC §121:

I. Claims 19-25, drawn to a mat, classified in class 428, subclass 85+.

II. Claims 26-38, drawn to a process of making a mat, classified in class 156, subclass 250.

Applicants, at this time, confirm the prior provisional election to prosecute the claims in Group II. Applicants also respectfully request reconsideration of the restriction requirement on grounds that examination of all claims does not appear to be unduly burdensome. In support of this position, Applicants note that the search conducted by the Examiner has already extended beyond the class and subclass of the provisionally elected class to include non-process art in order to formulate the current rejections.

Objection to the Drawings

The Examiner states that Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Please note that replacement drawing sheets including the requested legend are provided herewith.

Objections to the Specification

The Office Action indicates that the preferred layout for the specification should include section headings. Applicants respectfully note that headings are not mandatory. However, Applicants have nonetheless amended the specification to include such section headings in order to comply with the request of the Examiner.

Formal Rejections:

Claims 26-38 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that "Claims 26-38 are indefinite because boundaries of 'rubber-like' (Claim 26, Lines 2 and 4) are not distinctly set forth in that it is not clear what 'like' encompasses."

As explained at MPEP Section 2173.01, a fundamental principle of 35 U.S.C. 112, second paragraph is that an applicant is his or her own lexicographer. In the present case, Applicants have clearly defined the term 'rubber-like' in the Specification (page 2, line 34 – page 3, line 3). In particular, the specification specifically states: "It is to be understood that a rubber-like backing material can include a substantially impervious flexible sheet material such as natural or artificial rubber, latex, polyethylene, polyester, polypropylene and polyamide." Applicants respectfully submit that this description is sufficiently definite and thus, the objection should not stand. In support of this position, Applicants note that MPEP Section 2173.02 recognizes that the claims are required only to define the invention with a

reasonable degree of particularity and distinctness and that some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the Examiner might desire.

Art Rejections

Claims 26-29 and 34-38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of DeMott et al. (US 2001/0044249 A1).

Applicants submit that the current application is based upon an International Application filed under the Patent Cooperation Treaty (PCT) numbered PCT/GB00/01512 having an international filing date of May 2, 2000 and a priority application filed in Great Britain numbered 99/10023.2 filed on May 1, 1999. Each of these dates is prior to the filing date of the DeMott application (March 15, 2001), thus removing DeMott as an available reference. Accordingly, Applicants submit that the obviousness rejection should not be maintained.

CONCLUSION

Should any issues remain after consideration of this Amendment and Response, the Examiner is invited and encouraged to telephone the undersigned in the hope that such issues may be expeditiously resolved.

Respectfully submitted,

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